

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE

APR 21 2009

TONY R. MOORE, CLERK
BY _____
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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 08-00205-01

VERSUS

JUDGE DOHERTY

DARIUS NATHANIEL FISHER

MAGISTRATE JUDGE HILL

MEMORANDUM RULING

Currently pending before the Court is a second "Motion for Revocation of Detention Order Pursuant to 18 USCS §3145," filed by defendant, Darius N. Fisher.¹ [Doc. 236] In the motion, defendant asks this Court to revoke the Magistrate Judge's Order [Doc. 231], which denied defendant's Motion for Reconsideration of Detention Order [Doc. 223] and ordered defendant remain detained pending trial.²

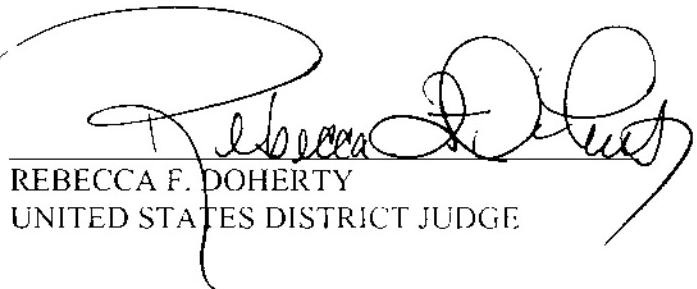
The Court has conducted a *de novo* review of this matter, including but not limited to a review of the transcript of the original detention hearing, Magistrate Judge Milloy's written detention order, the pre-trial services report, an audio recording of the hearing conducted before Magistrate Judge Hill, and the briefs submitted in support and in opposition to this motion (including the briefs and attached exhibits filed with Magistrate Judge Hill). For the reasons stated in

¹Although the Clerk of Court's Office has designated the motion as an "Appeal of Magistrate Judge Decision," the defendant's designation of the motion as a "Motion for Revocation" is correct. See 18 U.S.C. § 3145(b).

²As noted, this is the second motion for revocation of the detention order filed by this defendant. Defendant was originally ordered detained on September 11, 2008 by Magistrate Judge Mary Milloy of the Southern District of Texas. [Doc. 137, 154] Defendant filed a motion for revocation with this Court on October 8, 2008. [144] On December 3, 2008, this Court denied the motion. [Doc. 217] On January 29, 2009 (slightly less than two months after the first motion for revocation was denied), defendant filed a "Motion to Reopen Detention Hearing" with Magistrate Judge Hill. [Doc. 223] Judge Hill denied the motion on March 5, 2009. [Doc. 231] Defendant then filed the motion now under consideration before this Court. [Doc. 236]

magistrate Judge Hill's Order denying the second motion for reconsideration [Doc. 231], defendant's second Motion for Revocation [Doc. 236] is DENIED.

THUS DONE AND SIGNED this 21 day of April, 2009.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE